

## Message Text

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PAGE 01 STATE 200907  
ORIGIN STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 FEA-01 AGRE-00  
CEA-01 CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01  
INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01  
AID-05 SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02  
OMB-01 /100 R

DRAFTED BY STR:TREGAN:JT 8/22/77 395-6127

APPROVED BY STR:JSTARKEY

AGRICULTURE:RSCHROETER

TREASURY: WBARREDA

STATE:DDUNFORD

LABOR; DWANAMAKER

COMMERCE:DSCHLECHTY

-----028497 240705Z /21

R 232211Z AUG 77

FM SECSTATE WASHDC

TO USMISSION GENEVA

AMEMBASSY BRUSSELS

LIMITED OFFICIAL USE STATE 200907

ALSO U.S. MTN

E.O. 11652: N/A

TAGS:ETRD;EAGR

SUBJECT: MIPS PANEL

REF: GENEVA 5145

1. MISSION GENEVA SHOULD AGAIN PRESS FOR ADDITION OF TWO  
GATT EXPERTS TO MIPS PANEL. BASIC MOTIVATION OF U.S.  
REQUEST IS TO ENSURE THAT THE DETERMINATION MADE IN THIS  
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PAGE 02 STATE 200907

COMPLEX CASE ACCORDS FULLY WITH GATT PRINCIPLES. WE ARE  
PERSUADED BY INFORMAL COMMENT OF EC REPS DURING  
PREVIOUS MEETINGS THAT THE PANEL'S DETERMINATION CONCERNING  
THE GATT LEGALITY OF MIPS WOULD ESTABLISH AN IMPORTANT  
PRECEDENT. WE, THEREFORE, BELIEVE IT PREFERABLE TO INVOLVE

INDIVIDUALS WITH UNQUESTIONABLE GATT EXPERTISE. WE ALSO BELIEVE IT ADVISABLE TO GET TWO INDIVIDUALS WHO CAN DEVOTE FULL TIME TO THIS CASE AND WHO ARE NOT LIKELY TO BE UNAVAILABLE FOR COMPLETION OF PANEL'S WORK DUE TO PRESSURE OF THEIR OTHER RESPONSIBILITIES OR BECAUSE OF REASSIGNMENT BY THEIR GOVERNMENTS. THEREFORE, EXPERTS WOULD PREFERABLY NOT NOW BE EMPLOYED BY A GOVERNMENT, BUT HOULD IN ANY EVENT HAVE SUBSTANTIVE BACKGROUND IN GATT QUESTIONS.

,  
2. EC COMMENT THAT IT DID NOT LIKE DISC PANEL AS PRECEDENT FOR EXPERTS (MEANING, OF COURSE, THAT IT DID LIKE THE DISC DECISION) IS NOT CREDIBLE REASON FOR BLOCKING ADDITION OF GATT EXPERTS TO PANEL. SUCH PRECEDENT WAS ESTABLISHED LONG BEFORE DISC PANEL. (SEE L/580 (NOV.9, 1956). IN PAST EC HAS NOT OPPOSED THE CONCEPT OF EXPERTS NOT ASSOCIATED WITH GOVERNMENTS. U.S. CONTINUES TO BELIEVE THAT THE USE OF EXPERTS IMPROVES DISPUTE SETTLEMENT PROCEDURE IN THE GATT, PARTICULARLY IN CASES WHICH INVOLVE COMPLEX GATT ISSUES.

3. U.S. IS OF THE VIEW THAT MATTER OF GATT CONSISTENCY CAN BEST BE DETERMINED IN THIS CASE BY FULL 5 MEMBER PANEL. ADDITION OF 2 RESPECTED EXPERTS ON THE GATT CAN ONLY FURTHER FACILITATE THIS DETERMINATION. NEW PANEL MEMBERS SHOULD BE APPOINTED AND AVAILABLE FOR SUFFICIENT DURATION TO EXPEDITIOUSLY RESOLVE MIP ISSUE. THE FINAL RESOLUTION LIMITED OFFICIAL USE

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OF THIS PROBLEM SHOULD NOT INVOLVE A LENGTHLY PROCESS DUE TO FACT THAT PANEL HAS ALREADY MET ON NUMEROUS OCCASIONS AND WAS PRESENTED FULL RANGE OF ISSUES BY BOTH SIDES. THUS, NEW MEMBERS MUST ONLY BE BROUGHT UP-TO-DATE.

4. IF SECRETARIAT BELIEVES AFTER CONSULTATIONS WITH THE EC THAT AGREEMENT WOULD NOT BE POSSIBLE ALONG LINES OF NAMES OF EXPERTS SUBMITTED EARLIER BY U.S. OR OTHERS WHICH SECRETARIAT MIGHT SUGGEST, U.S. WOULD CONSIDER THE APPOINTMENT OF TWO PANELISTS WHO ARE EMPLOYED BY GOVERNMENTS, BUT WHO ALSO ARE GATT EXPERTS. IN THIS EVENT, MISSION SHOULD PRESS SECRETARIAT TO PROPOSE POSSIBLE CANDIDATES AT ITS EARLIEST CONVENIENCE.

5. USEC SHOULD INFORM COMMISSION OF SUBSTANCE OF THIS CABLE.

6. FYI - THE SENATE FINANCE COMMITTEE UNANIMOUSLY ACCEPTED, WITHOUT THE ADMINISTRATIONS' SUPPORT, S. RES. 76 ON AUGUST 5 CALLING FOR QUOTE ACCELERATED CONSIDERATION OF

THE U.S. COMPLAINT INSTITUTED UNDER ARTICLE XXIII UNQUOTE.  
WE EXPECT S. RES. 76 TO PASS THE FULL SENATE AND FOR THE  
HOUSE TO CONSIDER A SIMILAR RESOLUTION IN MID-SEPTEMBER  
AFTER THE SUMMER RECESS. THIS REFLECTS CONCERN OF THE  
CALIFORNIA FRUIT AND VEGETABLE INDUSTRY, PARTICULARLY THE  
DRIED PRUNE INDUSTRY WHICH WILL BE SUBJECTED TO LICENSING/  
SURETY DEPOSITS JANUARY 1, 1978. END FYI. CHRISTOPHER

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NNN

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PAGE 01 STATE 200907  
ORIGIN EB-02

INFO OCT-01 ISO-00 STR-02 /005 R

66011  
DRAFTED BY EB/OT/TA:DRPATTERSON:STMCP  
APPROVED BY EB/OT/TA:DJDUNFORD  
STR:TREGAN  
EUR/RPE:PMC CLEAN(INFO)  
EUR/CE:RBCASAGRANDE(INFO)  
-----047427 022018Z /65  
R 012047Z SEP 77  
FM SECSTATE WASHDC  
TO AMEMBASSY BONN

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FOL REPEAT STATE 200907 ACTION GENEVA BRUSSELS DTD 23 AUG.

QUOTE

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ALSO U.S. MTN

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* UNCLASSIFIED

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEETING DELEGATIONS, TRADE  
**Control Number:** n/a  
**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** 6127  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Expiration:**  
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**Litigation History:**  
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**Message ID:** bc7bb350-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 5  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 GENEVA 5145  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
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**Review Date:** 10-Mar-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1441823  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> srp 970910; srp 970910  
**Subject:** MIPS PANEL  
**TAGS:** EAGR, ETRD, GATT, MTN  
**To:** BRUSSELS GENEVA  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/bc7bb350-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009